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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,158	06/20/2003	Xin Wei Wang	015280-367200US	5806

20350 7590 05/18/2005

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EXAMINER

CHISM, BILLY D

ART UNIT PAPER NUMBER

1654

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/600,158

**Applicant(s)**

WANG ET AL.

**Examiner**

B. Dell Chism

**Art Unit**

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-37 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 and 19-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 31-37 is/are rejected.
- 7) ☒ Claim(s) 12-14 and 29-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.20.03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's election with traverse of Group III, claims 12-18 and 29-37 in the reply filed on 03 March 2005 is acknowledged. The traversal is on the ground(s) that the subject product acquired by the assays of Groups I and II can be further used in the method steps of Group III, thus, the Groups are not to be restricted. This is not found persuasive because as demonstrated in the restriction mailed 19 January 2005, the Groups were restricted based on their different classification and on the fact that a search of one is not necessarily inclusive of the searches for the other Groups. This analysis satisfies the requirement practices under MPEP § 121. Furthermore, as explained in the restriction, the method steps of each of Groups I-III required different method steps and involved different components with different end results.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

2. Claims 12-14 and 29-32 are objected to for the following informality: claim 12-14 and 29-32 contains the acronyms "GADD45" and/or "Cdc2", and an acronym in the first instance of claims should be expanded upon/spelled out with the acronym indicated in parentheses. The acronyms/abbreviations can be used thereafter.
3. Claims 29-30 are objected to for depending from withdrawn product claims.
4. Claim 31 is objected to for the following informality: claim 31 at line two of the claim, reads "a an antibody", which should read as --an antibody--.
5. Claim 33 is objected to for the following informality: claim 33 refers to the sequence DEDDDR, however, there is no sequence identifier, e.g., SEQ ID NO:.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 12-18 and 31-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12 and 31 are rejected for the indefinite recitation of “inhibits or decreases”, wherein the claims state in the preamble that the methods are to “inhibiting GADD45 polypeptide activity...” however, the claims subsequently claim that the method “inhibits or decreases GADD45 polypeptide activity.” The specification at page 13, defines “inhibiting GADD45 polypeptide activity...” as decreasing or a reduction. However, this casts indefinite light on the claims because the wording of claims makes it appear that now the activity can be either decreased or completely inhibited.

Claims 13-18 and 32-37 are rejected for depending from indefinite claims.

***Conclusion***

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Dell Chism, whose telephone number is (571) 272-0962. The examiner can normally be reached on M-F 08:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Bruce Campell, PhD can be reached on (571) 272-0974.

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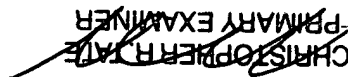
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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B. Dell Chism



CHRISTOPHER R. TATE  
PRIMARY EXAMINER



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PRIMARY EXAMINER